

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ARLENE L. CHERRY and  
ROBERT T. CHERRY

Plaintiffs,

VS.

MARTHA E. VON ROSENSTIEL, P.C.

Defendant.

No.

# JURY TRIAL DEMANDED

## COMPLAINT

1. Plaintiff Arlene L. Cherry resides in Coraopolis, Pennsylvania.
2. Plaintiff Robert T. Cherry resides in Coraopolis, Pennsylvania.
3. Robert Cherry and Arlene Cherry are husband and wife and consumers as that term is defined by 15 U.S.C. section 1692(a)(3).
4. Defendant Martha E. Von Rosenstiel, P.C. is a Pennsylvania professional corporation operating as a law firm at 649 South Avenue, Suite 6, Secane, Pennsylvania 19018. Defendant Von Rosenstiel, P.C. is a debt collector as defined by 15 U.S.C. section 1692(a)(6).
5. Jurisdiction of this Court arises under 28 U.S.C. section 1331 and 15 U.S.C. section 1692 k.
6. Venue is proper in this District because the acts and transactions occurred here, Plaintiffs live here, and Defendant transacts business here.
7. Plaintiffs incurred a financial obligation that was primarily for personal, family or household purposes, namely a mortgage that allegedly went into default for late payment and is therefore a debt as that term is defined by 15 U.S.C. section 1692a(5).

8. By letter dated March 8, 2011 Defendant attempted to collect the alleged debt. A copy of the letter is attached as Exhibit A.

9. The letter does not comply with 15 U.S.C. section 1692e(11).

10. Plaintiffs are entitled to recover statutory damages, costs and attorney's fees as provided by the Fair Debt Collection Practices Act.

**WHEREFORE**, Plaintiffs respectfully request that judgment be entered against Defendant for all damages to which they are entitled as follows:

- a. Statutory damages as determined by the trier of fact.
- b. Costs and reasonable attorney's fees.
- c. Such other and further relief as the Court may deem just and proper.

Respectfully Submitted,

JEFFREY L. SUHER, P.C.

/s/ Jeffrey L. Suher

Jeffrey L. Suher

Pa. I.D. #74924

4328 Old Wm Penn Hwy, Ste 2J

Monroeville, PA 15146

(412) 374-9005

(412) 374-0799 (fax)

lawfirm@jeffcanhelp.com